

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend Title 47 of the District of Columbia Official Code to permit an exemption from sales tax on utilities when directly used in a restaurant, including restaurants located in hotels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Processing Sales Tax Clarification Act of 2009".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 20 is amended as follows:

(1) Section 47-2001(n)(1)(D) is amended by striking the phrase " , when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing, or refining".

Amend
§ 47-2001

(2) Section 47-2005 is amended by adding a new paragraph (11A) to read as follows:

Amend
§ 47-2005

"(11A)(A) Sales of natural or artificial gas used for manufacturing, assembling, processing, refining, or refrigeration of goods for sale or resale when used in a restaurant, including a hotel restaurant.

"(B) For the purposes of this paragraph, the term:

"(i) "Hotel" means an establishment where food and lodging are regularly furnished to transients and which has at least 30 guest rooms and a dining room in the same or connected buildings.

"(ii) "Restaurant" means a retail establishment licensed by the District of Columbia in the principal business of preparing and serving food to the public. The term "restaurant" shall include pizzerias, delicatessens, ice cream parlors, cafeterias, take-out counters, caterers, and separately-metered hotel and motel food service facilities. The term "restaurant" shall not include beverage counters, including coffee shops and juice bars."

(b) Section 47-2201(a)(1)(B) is amended by striking the phrase " , when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing, or refining".

Amend
§ 47-2201

ENROLLED ORIGINAL

Sec. 3. Applicability.

This act shall apply as of January 1, 2009.

Sec. 4. Fiscal impact statement.

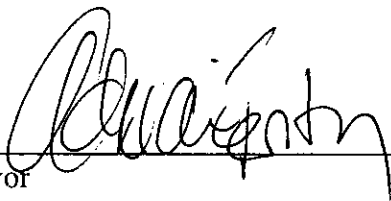
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 2, 2009, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2009*Codification
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To amend Chapter 46 of Title 47 of the District of Columbia Official Code to grant a sales and use tax credit to the National Law Enforcement Officers Memorial Fund, Inc., and its vendors, arising from gross receipts at the National Law Enforcement Museum.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Law Enforcement Museum Sales and Use Tax Credit Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4624. Sales and use tax credit for the National Law Enforcement Museum."

(b) A new section 47-4624 is added to read as follows:

"§ 47-4624. Sales and use tax credit for the National Law Enforcement Museum.

"(a) The National Law Enforcement Officers Memorial Fund, Inc. ("Fund") and the vendors at the National Law Enforcement Museum ("Museum") located on United States Reservation Number 7, on property bounded by the National Law Enforcement Officers Memorial on the north; the United States Court of Appeals for the Armed Forces on the west; Court Building C on the east; and Old City Hall on the south shall be granted a credit against the sales and use taxes imposed by §§ 47-2002, 47-2002.02, 47-2202, and 47-2202.01 in the amount set forth in subsection (b) of this section during the period of time set forth in subsections (e) and (f) of this section.

"(b) The amount of the credit shall be the amount of the taxes imposed by §§ 47-2002, 47-2002.02, 47-2202, and 47-2202.01 on the National Law Enforcement Officers Memorial Fund, Inc., and the vendors at the Museum for sales at the Museum; provided, that the annual amount of the credit shall not exceed the amount that would be necessary to pay principal and interest for one year on a loan of \$5.5 million amortized in equal semiannual payments over a 20-year period at the lesser of an 8% interest rate or an interest rate equal to the true interest

New
§ 47-4624

ENROLLED ORIGINAL

cost (as the term "true interest cost" is defined by the Municipal Securities Rulemaking Board) on the District of Columbia revenue bonds issued for the Museum.

"(c) The Fund shall notify the Office of the Chief Financial Officer of the true interest cost and the Fund's calculation of the amount of the annual tax credit within 15 days after closing on the District of Columbia revenue bonds issued for the Museum.

"(d) The Fund and the vendors at the Museum shall report their gross monthly receipts monthly to the Office of the Chief Financial Officer in accordance with the rules of the Office of Tax and Revenue, and include on such reports the amount of the tax credit balance after deducting the applicable taxes credited against such balance on their reports. The Fund shall coordinate with the vendors to ensure that the total amount of the credit allocated to the Fund and to each vendor in each year does not exceed the maximum annual amount of credit authorized under subsection (b) of this section.

"(e) The credit authorized by this section shall commence on the 1st day of the 4th month following the date that the Museum is granted a certificate of occupancy by the appropriate government regulatory agency and shall expire 20 years thereafter.

"(f) The Fund and the vendors at the Museum shall have no obligation to refund or otherwise return any amount of the credit authorized by this section to any person from whom the taxes offset by the credit were collected.

"(g) The Chief Financial Officer may terminate the tax credit granted by this act if the Fund:

"(1) Does not execute a development agreement with the District, relating to development of the Museum, within 90 days after the effective date of this section; or

"(2) Violates the terms of the development agreement between the Fund and the District."

Sec. 3. Fiscal impact statement.

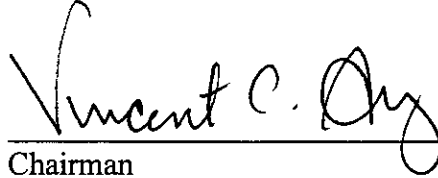
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

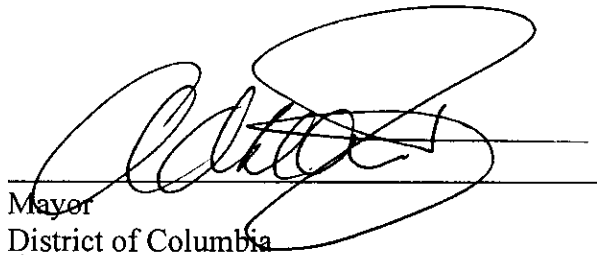
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-125IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 26, 2009*Codification
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Columbia
Official Code*

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To amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to permit the inspection of records of youth in the custody of the Department of Youth Rehabilitation Services by the Chairman of the Committee on Human Services, Members of the Committee on Human Services, and the Mayor, or their designees, when necessary for the discharge of their duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Records Access Amendment Act of 2009".

Sec. 2. Section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), is amended by adding a new subsection (c) to read as follows:

Amend
§ 2-1515.06

“(c)(1) Notwithstanding the confidentiality requirements of this section, or any other provision of law, the Chairman of the Committee on Human Services, Members of the Committee on Human Services, and the Mayor, or their designees, shall be permitted to obtain the records pertaining to youth in the custody of the Department regardless of the source of the information contained in those records, when necessary for the discharge of their duties; provided, that the Department data is maintained, transmitted, and stored in a manner to protect the security and privacy of the youth identified and to prevent the disclosure of any of the data or information to any individual, entity, or agency not designated pursuant to subsection (b) of this section.

“(2) A Member of the Committee on Human Services shall notify the Chairman of the Committee on Human Services upon requesting a record pursuant to paragraph (1) of this subsection.”.

Sec. 3. Repealers.

The Records Access Congressional Review Emergency Amendment Act of 2009, effective May 25, 2009 (D.C. Act 18-76; 56 DCR 4153), and the Records Access Temporary Amendment Act of 2009, effective March 23, 2009 (D.C. Act 18-37; 56 DCR 2666), are repealed.

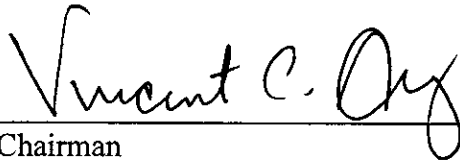
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Sec. 4. Fiscal impact statement.

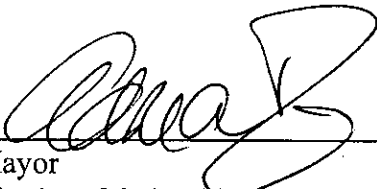
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 26, 2009

To amend Chapter 12A of the District of Columbia Municipal Regulations to require an applicant for a raze permit to post and maintain a notice, sign, or placard on the premises that shall remain in place for at least 30 days before the Department of Consumer and Regulatory Affairs approves and issues the raze permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Raze Permit Community Notification Amendment Act of 2009".

Sec. 2. Subsection 105.7.1 of Chapter 12A of the District of Columbia Municipal Regulations (12A DCMR § 105.7.1), is amended by adding a new subsection 105.1.7.3 to read as follows:

DCMR

"105.1.7.3 Posting of Raze Permit Application Notice. Before a raze permit is issued, the owner or agent of the building or structure to be razed shall post and maintain a notice furnished by the Code Official on the facade fronting on the public street of the building premises, or on such other place on the building premises as designated by the Code Official, so as to be visible from the public way. The permit shall not be issued by the Code Official until at least 30 days from the date the notice is posted on the building premises. This subsection shall not apply to any emergency raze ordered by the Code Official. Violations of this subsection shall be deemed a Class 3 infraction. The Code Official shall establish a fee for the furnishing of the notice."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

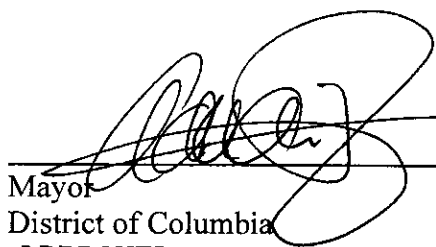
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-127IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 26, 2009*Codification
District of
Columbia
Official Code*

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To amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to increase the amounts that may be contributed to and expended by citizen-service programs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Citizen-Service Programs Amendment Act of 2009".

Sec. 2. Section 402(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 461; D.C. Official Code § 1-1104.03(a)), is amended as follows:

Amend
§ 1-1104.03

(a) Strike the phrase "\$40,000" wherever it appears and insert the phrase "\$80,000" in its place.

(b) Strike the phrase "\$400" wherever it appears and insert the phrase "\$500" in its place.

Sec. 3. Fiscal impact statement.

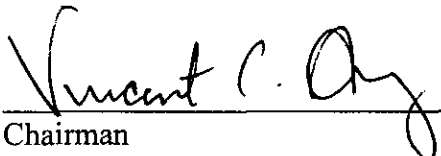
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

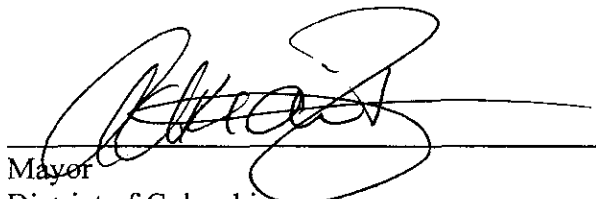
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2009

To amend, on a temporary basis, Chapter 3 of Title 29 of the District of Columbia Municipal Regulations to clarify that child development center directors whose facilities relocate are granted the same 5-year grace period to bring their qualifications into compliance as all other child development center directors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009".

Sec. 2. Chapter 3 of Title 29 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 302.3 is amended by striking the period and inserting the phrase “, except as provided in section 332.1(f).” in its place.

(b) Section 332.1(f) is amended by striking the period and inserting the phrase “, including those Center Directors whose facilities relocate during the aforementioned 5-year period.” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

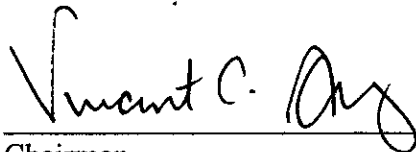
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

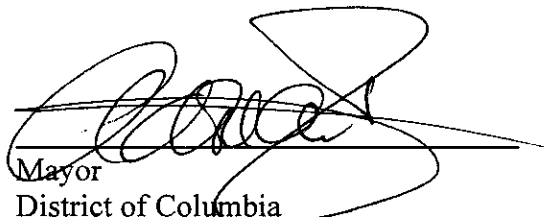
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2009*Codification
District of
Columbia
Official Code*

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To amend, on an emergency basis, the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence and prostitution; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial and to change the standard of proof for the rebuttable presumption to detain from substantial probability to probable cause; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to establish the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; and to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Crime Bill Emergency Amendment Act of 2009".

ENROLLED ORIGINAL

TITLE I. WHITE COLLAR THEFT AND UNAUTHORIZED USE OF A VEHICLE

Sec. 101. Short title.

This title may be cited as the "White Collar Theft and Unauthorized Use of a Vehicle Amendment Act of 2009".

Sec. 102. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3201) is amended as follows:

Note,
§ 22-3201

(1) A new paragraph (2A) is added to read as follows:

"(2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary, partnership, company, corporation, association, organization, union, government department, agency, or instrumentality, or any other legal entity."

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word "and" at the end.

(B) Subparagraph (C) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New subparagraphs (D), (E), (F) are added to read as follows:

"(D) Credit;

"(E) Debt; and

"(F) A government-issued license, permit, or benefit."

(3) A new paragraph (7) is added to read as follows:

"(7) "Value" with respect to a credit card, check, or other written instrument means the amount of money, credit, debt, or other tangible or intangible property or services that has been or can be obtained through its use, or the amount promised or paid by the credit card, check, or other written instrument."

(b) Section 103 (D.C. Official Code § 22-3203) is amended as follows:

Note,
§ 22-3203

(1) Redesignate the existing language as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (4) is amended by striking the word "or" at the end.

(B) Paragraph (5) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (6) and (7) are added to read as follows:

"(6) Theft and receiving or possessing stolen property; or

"(7) Receiving or possessing stolen property and unauthorized use of a vehicle."

(3) New subsections (b) and (c) are added to read as follows:

"(b) A person may be convicted of any combination of theft, identity theft, fraud, credit card fraud, unauthorized use of a vehicle, commercial piracy, receiving or possessing stolen property, and possessing stolen property for the same act or course of conduct.

"(c) Convictions arising out of the same act or course of conduct shall be considered as

ENROLLED ORIGINAL

one conviction for purposes of any application of repeat offender sentencing provisions.”.

(c) A new section 104 is added to read as follows:

“Sec. 104. Case referral.

“For the purposes of this title, in cases involving more than one jurisdiction, or in cases where more than one District of Columbia agency is responsible for investigating an alleged violation, the investigating agency to which the report was initially made may refer the matter to another investigating or law enforcement agency with proper jurisdiction.”.

(d) Section 115(d) (D.C. Official Code § 22-3215(d)) is amended to read as follows:

Note,
§ 22-3215

“(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not more than \$1,000, imprisoned for not more than 5 years, or both.

“(2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

“(i) Fined not more than \$10,000, imprisoned for not more than 10 years, or both, in addition to the penalty imposed for the crime of violence; and

“(ii) If serious bodily injury results, imprisoned for not less than 5 years, in addition to the penalty imposed for the crime of violence.

“(B) For the purposes of this paragraph, the term “crime of violence” shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

“(3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who has 2 or more prior convictions for unlawful use of a vehicle or first degree theft, not committed on the same occasion, shall be fined not less than \$5,000 nor more than \$15,000, or imprisoned for not less than 30 months nor more than 15 years, or both.

“(B) For the purposes of this paragraph, a person shall be considered as having 2 prior convictions for unauthorized use of a motor vehicle or first degree theft if that person has been twice before convicted on separate occasions of:

“(i) A prior violation of subsection (b) of this section or first degree theft;

“(ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a motor vehicle or first degree theft;

“(iii) Conduct that would constitute a violation of subsection (b) of this section or a violation of first degree theft if committed in the District of Columbia; or

“(iv) Conduct that is substantially similar to that prosecuted as a violation of subsection (b) of this section or first degree theft.

“(4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of this section shall be fined not more than \$1,000, imprisoned for not more than 3 years, or both.”.

(e) Section 123 (D.C. Official Code § 22-3223) is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (a) is amended to read as follows:

“(a) For the purposes of this section, the term “credit card” means an instrument or device, whether known as a credit card, debit card, or by any other name, issued for use of the cardholder in obtaining or paying for property or services.”.

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “obtains property of another by” and inserting the phrase “obtains or pays for property or services by” in its place.

(B) Paragraph (3) is amended by striking the word “or” at the end.

(C) Paragraph (4) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(D) A new paragraph (5) is added to read as follows:

“(5) Knowingly using for the employee’s or contractor’s own purposes, a credit card, or the number or description thereof, issued to or provided to an employee or contractor by or at the request of an employer for the employer’s purposes.”.

(2) Subsection (d) is amended to read as follows:

“(d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of credit card fraud shall be fined not more than \$1,000, imprisoned for not more than 180 days, or both.

“(2) Any person convicted of credit card fraud shall be fined not more than \$5,000, imprisoned for not more than 10 years, or both, if the value of the property or services obtained or paid for is \$1,000 or more.”.

(f) A new section 124a is added to read as follows:

“Sec. 124a. Jurisdiction.

“An offense under this title shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

“(1) The person to whom a credit card was issued or in whose name the credit card was issued is a resident of, or located in, the District of Columbia;

“(2) The person who was defrauded is a resident of the District of Columbia or is present in the District of Columbia at the time of the fraud;

“(3) The loss occurred in the District of Columbia; or

“(4) Any part of the offense takes place in the District of Columbia.”.

(g) A new section 125o is added to read as follows:

“Sec. 125o. Jurisdiction.

“An offense under this title shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

“(1) The insured, insurer, claimant, or applicant is a resident of, or located in, the District of Columbia;

Note,
§ 22-3223

ENROLLED ORIGINAL

“(2) A District of Columbia address is used on an application, policy, or claim for payment or benefit;

“(3) The services for which a claim is made were provided or alleged to have been provided in the District of Columbia;

“(4) Payment of a claim or benefit was made or was to be made to an address in the District of Columbia;

“(5) The loss occurred or is alleged to have occurred in the District of Columbia;

or

“(6) Any part of the offense takes place in the District of Columbia.”.

(h) Section 127a (D.C. Official Code § 22-3227.01) is amended as follows:

Note,
§ 22-3227.01

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (C) is amended by striking the word “and” at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(C) A new subparagraph (E) is added to read as follows:

“(E) Lost time, wages, and benefits, other losses sustained, legal fees, and other expenses incurred as a result of the use, without permission, of one’s personal identifying information by another as prohibited by section 127b.”.

(2) Paragraph (2) is repealed.

(i) Section 127b (D.C. Official Code § 22-3227.02) is amended as follows:

Note,
§ 22-3227.02

(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(3) A new paragraph (3) is added to read as follows:

“(3) Uses personal identifying information belonging to or pertaining to another person to:

“(A) Identify himself or herself at the time of his or her arrest;

“(B) Facilitate or conceal his or her commission of a crime; or

“(C) Avoid detection, apprehension, or prosecution for a crime.”.

(j) Section 127c (D.C. Official Code § 22-3227.03) is amended as follows:

Note,
§ 22-3227.03

(1) Subsection (a) is amended by striking the phrase “\$250 or more” and inserting the phrase “\$1,000 or more” in its place.

(2) Subsection (b) is amended by striking the phrase “whichever is greater, is less than \$250” and inserting the phrase “has some value, or if another person is falsely accused of, or arrested for, committing a crime because of the use, without permission, of that person’s personal identifying information.”.

(k) Section 127f(1) (D.C. Official Code § 22-3227.06(1)) is amended by striking the phrase “resident of” and inserting the phrase “resident of or located in” in its place.

Note,
§ 22-3227.06

(l) Section 502(a) (D.C. Official Code § 22-722(a)) is amended as follows:

Note,
§ 22-722

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(1) Paragraph (4) is amended by striking the word “Injures” and inserting the phrase “Injures or threatens to injure” in its place.

(2) Paragraph (5) is amended by striking the word “Injures” and inserting the phrase “Injures or threatens to injure” in its place.

TITLE II. CHRONIC OFFENDERS

Sec. 201. Short title.

This title may be cited as the “Chronic Offenders Amendment Act of 2009”.

Sec. 202. Section 907a(a)(2) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1804a(a)(2)), is amended by striking the phrase “the court may in lieu of any sentence authorized, impose” and inserting the phrase “the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of at least 15 years and may impose” in its place.

Note,
§ 22-1804a

Sec. 203. Prostitution penalty enhancement.

Section 1 of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701), is amended to read as follows:

Note,
§ 22-2701

“(a) It is unlawful for any person to engage in prostitution or to solicit for prostitution.

“(b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of prostitution shall be:

“(A) Fined not more than \$500, imprisoned for not more than 90 days, or both, for the first offense; and

“(B) Fined not more than \$1,000, imprisoned not more than 180 days, or both, for the second offense.

“(2) A person convicted of prostitution who has 2 or more prior convictions for prostitution, not committed on the same occasion, shall be fined not more than \$4,000, imprisoned for not more than 2 years, or both.

“(3) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for prostitution if he or she has been convicted of 2 or more violations of this section, or of a statute in one or more other jurisdictions prohibiting prostitution, or conduct that would constitute a violation of this section if committed in the District of Columbia.”.

TITLE III. UNLAWFUL POSSESSION OF A FIREARM

Sec. 301. Short title.

This title may be cited as the “Unlawful Possession of a Firearm Amendment Act of 2009”.

Sec. 302. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of

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evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B) to read as follows:

Note,
§ 22-4501

“(2B) “Fugitive from justice” means a person who:

“(A) Knows that there is a warrant outstanding for his or her arrest;

“(B) Was served with notice to appear in court as a defendant or witness and willfully failed to appear as required; or

“(C) Has escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.”.

(b) Section 2(a)(2) (D.C. Official Code § 22-4502(a)(2)) is amended by striking the phrase “Columbia,” and inserting the phrase “Columbia, or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia,” in its place.

Note,
§ 22-4502

(c) Section 3 (D.C. Official Code § 22-4503) is amended to read as follows:

“(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if such person:

Note,
§ 22-4503

“(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

“(2) Is not licensed under section 10 to sell weapons, and such person has been convicted of violating this act;

“(3) Is a fugitive from justice;

“(4) Is an unlawful user of or addicted to any controlled substance (as defined in D.C. Official Code Title 48, Subchapter II);

“(5) Has been adjudicated incompetent;

“(6) Has been civilly committed after having been found likely to injure self or others if not immediately hospitalized or committed;

“(7) Has been found or pled not guilty by reason of insanity to any offense;

“(8) Has been committed to or placed with the Department of Mental Health, the Department on Disability Services, an equivalent public agency in another jurisdiction, or any private provider of services to persons with mental illness or developmental disabilities;

“(9) Has been discharged from the Armed Forces under dishonorable conditions;

“(10) Is subject to a court order that:

“(A) (i) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; or

“(ii) Remained in effect after such person failed to appear for a hearing of which such person received actual notice; and

“(B) Restrains such person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; or

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“(C) Has been convicted of an intrafamily offense (as defined in D.C. Code § 16-1001) or a substantially similar offense in another jurisdiction.

“(b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

“(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

“(c) A person who violates subsection (a)(2) through (a)(10) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than \$15,000, or both.

“(d) For the purposes of this section, the term “crime of violence” shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that is defined as a crime of violence in that jurisdiction, or that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.”.

TITLE IV. PRE-TRIAL DETENTION

Sec. 401. Short title.

This title may be cited as the “Pre-trial Detention Act of 2009”.

Sec. 402. Section 23-1322(c) of the District of Columbia Official Code is amended as follows:

Note,
§ 23-1322

(a) The lead-in language is amended by striking the phrase “substantial probability” and inserting the phrase “probable cause” in its place.

(b) Paragraph (7) is amended to read as follows:

“(7) Violated § 22-4504(a) (carrying a pistol without a license), § 22-4504(a-1) (carrying a rifle or shotgun), § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), or § 22-4503 (unlawful possession of a firearm).”.

TITLE V. GUN-OFFENDER REGISTRATION

Sec. 501. Short title.

This title may be cited as the “Gun-Offender Registration Amendment Act of 2009”.

Sec. 502. Gun-offender registration.

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The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended by adding a new Title VIII to read as follows:

“TITLE VIII – GUN OFFENDER REGISTRY.”

“Sec. 801. Definitions.

“For the purposes of this title, the term:

“(1) “Correctional facility” means any building or group of buildings and concomitant services operated as a single management unit by the Department of Corrections, or a similar federal, state, county, or local government agency, or a contractor to such an agency, for the purpose of housing and providing services to persons ordered confined pending trial, sentencing, or incarcerated following sentencing for a violation of law.

“(2) “Gun offender” means a person:

“(A) Convicted of a gun offense in the District;

“(B) Convicted of a gun offense who resides in the District within the registration period established pursuant to section 802; or

“(C) Who has as a mandatory condition of their release a registration requirement in the District pursuant to section 803(f).

“(3) “Gun offense” means:

“(A) A conviction for violating An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*);

“(B) A conviction for violating sections 201, 401, 501, or 601 of this act;

or

“(C) Violations in other jurisdictions of any offense with an element that involves the violations listed in subparagraph (A) or (B) of this paragraph.

“(4) “Resides” means to stay overnight in the District of Columbia for an aggregate period of time exceeding 30 days in any calendar year.

“Sec. 802. Duty to register and to verify.

“(a) Except as provided in subsection (c) of this section, a gun offender shall register with the Chief for a period of 2 years, unless a longer period is required by section 806(b). The offender shall register:

“(1) Within 48 hours of:

“(A) Release, if the gun offender receives a sentence of imprisonment;

“(B) The time sentence is imposed, if the sentence does not include imprisonment;

“(C) Remaining in the District to reside after receipt of notice of the obligation to register; or

“(D) Changing the place where he or she resides in the District or elsewhere;

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“(2) By personally appearing at an office designated by the Chief to sign a statement under oath, verified by whatever documentation may be required, that provides, to the extent it is available:

“(A) The gun offender’s name, date of birth, sex, race, height, weight, and eye color;

“(B) The address where the gun offender lives or expects to live in the District;

“(C) Any other legal names of the gun offender;

“(D) Aliases;

“(E) A description of the offense for which the gun offender was convicted and the date of conviction; and

“(F) Fingerprints; and.

“(3) The following additional information if the conviction was not in the District:

“(A) Current address;

“(B) The identification number on the gun offender’s driver’s license or non-driver photo identification card;

“(C) The jurisdiction where the gun offense occurred and the sentence imposed; and

“(D) A photograph of the gun offender.

“(b) During the period in which a gun offender is required to register under this title, the gun offender shall comply with the following:

“(1) Except as specified in paragraph (2) of this subsection, no later than 20 calendar days following the one-year anniversary of the gun offender’s initial registration date, the gun offender shall personally appear at such office as the Chief may direct for the purpose of verifying the information required under subsection (a) of this section.

“(2) If a gun offender required to register under this title is confined to any federal, state, or local correctional facility, residential treatment center, hospital, or institution throughout the 20-day period described in paragraph (1) of this subsection, the gun offender shall personally appear as required by paragraph (1) within 48 hours of release.

“(3) The Chief may photograph the gun offender and require the gun offender to provide such documentation as the Chief deems acceptable to verify the information provided in subsection (a)(2) or (3) of this section.

“(c) A person who is under supervised probation, release, or parole shall not be required to simultaneously register pursuant to subsection (a) of this section.

“(d) The Chief shall have the authority to maintain and operate the gun offender registry for the District, including the authority to collect and maintain gun offender information obtained pursuant to subsection (b) of this section and enter the information into appropriate record systems and databases.

“Sec. 803. Certification duties of the Superior Court of the District of Columbia.

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“(a) Upon a defendant’s conviction for a gun offense, the Superior Court of the District of Columbia (“Court”) shall enter an order certifying that the defendant is a gun offender. The Court shall advise the gun offender of his or her duties under this title, order the gun offender to report to the Chief to register as required by this title, and order the gun offender to comply with the requirements of this title.

“(b) The Court shall provide to the Chief, and to the Court Services and Offender Supervision Agency, a copy of the certification and order, and such other records and information in its possession that will assist in the registration of the gun offender.

“(c) In any case where the Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall provide the gun offender with a copy of the order required under subsection (a) of this section and require the gun offender to read, or have read to him or her, and sign the copy of the order.

“(d) For persons who have not been required to comply with the requirements of this title as set forth in subsections (a) and (c) of this section but nevertheless qualify, the Court may, upon motion of the government, enter an order certifying that a person convicted of a gun offense within the period for which registration is required by this title is a gun offender and issue an order requiring them to register and to comply with the provisions of this title. Such certification and order shall then be personally served upon the person, at which time the requirements of this title shall apply, unless that person moves the Court to rescind the certification and order and the Court grants the motion.

“(e) Agencies in the District of Columbia to which the probation, parole, supervised release, or conditional release of a gun offender is transferred from another jurisdiction are authorized to inform the Chief of that transfer of supervision for purposes of implementing the provisions of subsection (d) of this section.

“(f) Notwithstanding the court certification requirements of this title, any person convicted of a gun offense in any jurisdiction other than the District of Columbia who is ordered by competent authority in that jurisdiction to register as a gun offender in the District of Columbia shall comply with the registration and other requirements of this title.

“Sec. 804. Sharing of registration information; Freedom of Information Act exception.

“(a) Gun offender registration information shall not be made available except as authorized under subsection (b) of this section. No gun offender registration information shall be available as a public record under section 2 of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 1-1522).

“(b) The Chief is authorized to make gun offender registration information available to other local, state or federal government agencies.

“Sec. 805. Rules.

“The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules and establish such forms as are necessary to implement the provisions of this title.

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“Sec. 806. Penalties; mandatory release condition.

“(a) Any knowing violation by a gun offender of this title or of rules or regulations established pursuant to this title, including knowingly failing to register, verify, or update information in the manner and within the time periods provided for in this title, shall be a misdemeanor punishable by a fine of not more than \$1,000, imprisonment of not more than 6 months, or both.

“(b) Compliance with the requirements of this title, including any rules or regulations adopted by the Chief pursuant to this title, shall be a mandatory condition after the expiration of any time being served on probation, parole, supervised release, or conditional release for any gun offender convicted in the District of Columbia.”.

TITLE VI. PRESENCE IN A MOTOR VEHICLE CONTAINING A FIREARM

Sec. 601. Short title.

This title may be cited as the “Presence in a Motor Vehicle Containing a Firearm Act of 2009”

Sec. 602. Presence in a motor vehicle containing a firearm.

(a) It is unlawful for a person to be voluntarily in a motor vehicle if that person knows that a firearm is in the vehicle, unless the firearm is being lawfully carried or lawfully transported.

(b) It shall be an affirmative defense to this offense that the defendant must prove by a preponderance of the evidence that, upon learning that a firearm was in the vehicle, he or she had the specific intent to immediately leave the vehicle but did not have a reasonable opportunity under the circumstances to do so.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both.

(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of section 4(a) of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4504(a)), or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than \$10,000, imprisoned for not more than 10 years, or both.

(3) No person shall be sentenced consecutively for this offense and any other firearms offense arising out of the same incident.

TITLE VII. GANG AND CREW INTERVENTION JOINT WORKING GROUP

Sec. 701. Establishment of a Gang and Crew Intervention Joint Working Group.

(a) Within 180 days of the effective date of this title, the Mayor shall create a Gang and Crew Intervention Joint Working Group (“Joint Working Group”) consisting of members of the

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Executive Committee of the Citywide Coordinating Council for Youth Violence Prevention (“CCCYVP”) and the core Focused Improvement Area (“FIA”) team, to include the Metropolitan Police Department (“MPD”), the Office of the City Administrator, and other agencies as identified by the Office of the Mayor.

(b) The Joint Working Group shall develop a coordinated response to high-profile youth violence through the following measures:

(1) Assess critical incident (“CI”) need and capacity by:

(A) Identifying and mapping all CIs involving youth over the past 6 months;

(B) Determining what portion of these incidents generated a CI response from CCCYVP partners; and

(C) Evaluating the current capacity of community-based organizations funded by the District (through both the CCCYVP and Children’s Youth Investment Trust) for violence intervention to respond to CIs;

(2) Endeavor to align existing resources to respond to critical incidents by:

(A) Developing a plan to align all violence intervention initiatives funded in fiscal year 2010, regardless of funding source, into a coordinated CI strategy, to include proposals to modify contracts, as necessary;

(B) Assuring that CI resources are targeted to gang and crew “hot spots” and those neighborhoods experiencing the highest rates of youth violence; and

(C) Clarifying the geographic areas that each intervention service partner is or will be covering;

(3) Coordinate existing resources to respond to critical incidents by:

(A) Developing protocols for the immediate engagement of intervention partners by MPD when critical incidents occur;

(B) Assuring that Department of Parks and Recreation Roving Leaders in targeted neighborhoods are a part of the CI teams; and

(C) Engaging staff and School Resource Officers of middle and high schools in targeted neighborhoods in the CI process, as appropriate;

(4) Identify targeted youth by:

(A) Identifying existing and emerging conflicts between gangs and crews based on MPD’s Gang Intelligence Fusion Unit, MPD Division officers, and street intelligence from community partners and schools;

(B) In partnership with schools and community partners, identifying the youth most immediately at risk of involvement in violent behavior in targeted neighborhoods;

(C) Establishing and implementing a process to review unsolved violent offenses for possible gang and crew involvement; provided, that MPD shall review all unsolved suspected gang or crew homicides and attempted homicides involving minors or young adults within the last 5 years, to determine which may be connected to gang and crew violence, and deploy resources to close these cases quickly; and

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(D) Partnering with Department of Youth Rehabilitation Services and Court Social Services prior to a youth's release from detention to ensure youth and community safety are carefully planned for, including access to robust post-detention services; and

(5) Intervene with targeted youth by:

(A) Developing protocols for CIs that outline the necessary steps when responding to violent incidents involving youth, including the development of containment and de-escalation strategies that are incident-specific and designed to prevent acts of retaliation; provided, that:

(i) The protocols shall address what information is shared; the roles and responsibilities of all parties in responding to violent incidents; guidelines for street mediation, truces, and rumor control; and engagement of family members and others significant in the lives of both perpetrators and victims;

(ii) Standards for individualized diversion plans for involved youth shall be developed that engage schools, government agencies, recreation centers, and other community-based resources;

(B) Establishing core components of an individual intervention and diversion plan, including direct outreach to all involved parties (both of the victim and alleged perpetrator), engagement of families, schools, and community-based resources;

(C) Developing a proposal to provide flexible funds to resource these plans with the participation, as necessary, of agency personnel in review sessions and implementation; provided, that, when possible, any existing family team meeting processes at the Child and Family Services Agency and the Department of Youth Rehabilitation Services may be key elements of this process for youth involved with either of these agencies; and

(D) Identifying additional resources from agencies that should, where appropriate, be available to provide support for individual CI plans.

(c) Within 180 days of the effective date of this title, the Joint Working Group shall expand capacity of Critical Incident and Targeted Youth Outreach Teams through the following measures:

(1) Based on the CI capacity assessment, described in subsection (b) of this section, estimate what the current gap is between capacities and need;

(2) Assess the existing capacity of CCCYVP partners to provide targeted outreach to the highest risk youth;

(3) Develop a plan to expand CI and targeted outreach that realistically reflects time necessary for recruitment and orientation of new staff; and

(4) Prepare a cost estimate for the short-term expansion plan, and a funding proposal for its implementation.

TITLE VIII. FISCAL IMPACT STATEMENT

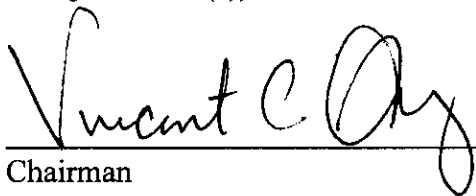
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,

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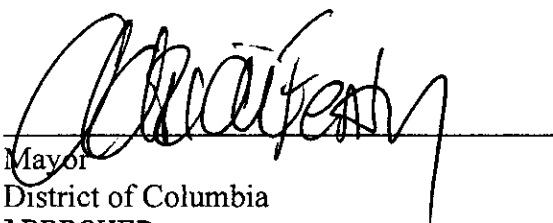
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE IX. EFFECTIVE DATE

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman

Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 29, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-130IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 6, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To authorize, on an emergency basis, the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to acquire certain properties owned and operated by the Boys and Girls Club of Greater Washington, and to authorize an incentive payment for its headquarters relocation to the District; and to amend section 320 of the District of Columbia Procurement Practices Act of 1985 to exempt the agreement to operate the Boys and Girls Clubs for the remainder of the calendar year from competitive bidding requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Boys and Girls Club of Greater Washington Property Acquisition Emergency Act of 2009".

Sec. 2. (a) The Mayor is authorized to enter into an agreement with the Boys and Girls Club of Greater Washington ("BGCGW") ("agreement"), for the acquisition of the following real property:

- (1) Frank R. Jelleff Branch property;
- (2) Mary & Daniel Loughran Clubhouse # 10; and
- (3) Eastern Branch.

(b) The agreement shall provide that:

(1) BGCGW and the District's obligations are contingent upon a payment to BGCGW:

- (A) In the amount of \$7.5 million at settlement;
- (B) In the amount of \$3.125 million by October 1, 2010;
- (C) In the amount of \$3.125 million by October 1, 2011;
- (D) In the amount of \$3.125 million by October 1, 2012; and
- (E) In the amount of \$3.125 million by October 1, 2013;

(2) All income from leases and other revenue attributable to the properties after the date of closing shall accrue to the District; and

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(3) The properties shall be accepted in "as is" condition at closing.

(c) The agreement shall contain such other terms and conditions as the Mayor determines to be in the best interest of the District of Columbia.

Sec. 3. (a) The Mayor is authorized to contract with BGCGW for the operation of a summer camp during the summer of 2009 and for continued after-school programming through the closing on the sale of the Frank R. Jelleff Branch property, but no later than December 31, 2009, for which the District shall pay BGCGW \$60,000 before July 1, 2009, and \$20,000 before the end of 2009.

(b) The Mayor is authorized to contract with BGCGW to open and operate Mary & Daniel Loughran Clubhouse #10 from 4 p.m., to 10 p.m., through the summer of 2009, to provide teen recreation opportunities and a summer day camp for children from 6 through 12 years of age, for which BGCGW will receive \$33,000 before July 1, 2009. The Mayor shall negotiate with BGCGW to continue providing its customary and usual program operations through closing, but no later than December 31, 2009.

(c)(1) The Mayor is authorized to contract with BGCGW to provide transportation for up to 26 youth currently served at Hopkins Branch and Hopkins Branch's current Branch Director to BGCGW summer camp at Richard England Clubhouse #14. BGCGW shall use its best efforts to identify adequate space at Hopkins Branch to provide programming in its 5 core programming areas, to serve at least 45 youths on a daily basis.

(2) For fiscal year 2010, the District shall pay up to 50% of the budget for programming at Hopkins Branch, if the District of Columbia Housing Authority identifies adequate space in reasonably close proximity to the existing facility, in an amount not to exceed \$121,000 for the operations during fiscal year 2010.

(d)(1) Within 60 days after execution of the agreement, the Mayor shall enter into discussions with BGCGW as to the terms and conditions for BGCGW to continue to provide programs and services at Frank R. Jelleff Branch, Mary & Daniel Loughran Clubhouse #10, and Eastern Branch prior to completion of the sale. BGCGW shall competitively bid for the operation of programs as soon as practicable following the sale.

(2) The Mayor shall encourage BGCGW to explore options to re-establish programs at the Eastern Branch prior to the transfer of ownership to the District of Columbia, contingent upon obtaining a valid certificate of occupancy for the Eastern Branch building.

(e) In addition to the operating funds described in subsections (a), (b), and (c) of this section, the District shall:

(1) Contract with BGCGW for the services identified in the fiscal year 2010 budget, approved on May 12, 2009, totaling \$450,000;

(2) Pay \$200,000 from funds identified in the fiscal year 2010 budget to BGCGW to assist BGCGW in making payments required under its lease at THEARC, located at 1901 Mississippi Avenue, S.E.; and

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(3) Subject to the availability of funds, reimburse BGCGW up to \$150,000 for the expenses associated with office renovations and other costs related to BGCGW's planned relocation of its headquarters operations and 25 employees from the current location in Silver Spring, Maryland to the Richard England Clubhouse #14, located at 4103 Benning Road, N.E., in the District.

Sec. 4. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 9, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (u) to read as follows:

Note,
§ 2-303.20

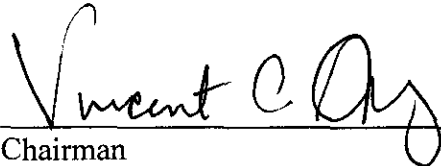
"(u) Nothing in this act shall affect the authority of the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to provide the services described in section 3 of the Boys and Girls Club of Greater Washington Property Acquisition Emergency Act of 2009, passed on emergency basis on June 16, 2009 (Enrolled version of Bill 18-338).".

Sec. 5. Fiscal impact statement.

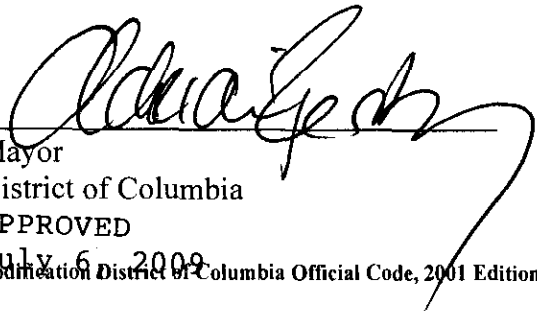
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 6, 2009
Codification District of Columbia Official Code, 2001 Edition